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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2669 OF 2007

Chandrashekhar Ghalsasi ... Petitioner

Versus

Union of India and Ors. ... Respondents

Mr. E.P. Bharucha i/by Manilal Kher Ambalal and Co. for the Petitioner.

Mr. A.S. Rao with Mr. R.C. Master for Respondents.

CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.
DATED: AUGUST 10, 2007

P.C.:

. Rule.

. The Petitioner is a nominee director to whom show cause notice was issued for violation of Section 11 and 12 of the FERA Act, 1992. The section 11(2) would require that even person who abets or attempts would be liable for imposition of penalty under section 12. The issue which requires to be considered is whether the nominee director who might not have been in charge of the company would be liable in the absence of any material to show abetment or attempt to be issued show cause notice under Section 11.

. Considering the above, though on behalf of other respondents, the learned counsel contends that there is statutory appeal in our opinion, it would still be open to this court where the order is a nullity and or the show cause notice, to exercise its extra ordinary jurisdiction. This matter would require pronouncement by this court on the said issue. In the light of that interim relief in terms of Prayer Clause (c). Respondent waives service.

. We make it clear that the interim relief is in so far as only nominee director is concerned.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**